29

ACTO DE ABSOLVCION.

NOS EL DOTOR D. MIGVEL MARTA I MEN-
doza, Arcediano de la Santa Iglesia Catedral de
la Ciudad de Tarazona, Vicario General del Arzobispado
de Zaragoza y Retor de la Universidad y Estudio Ge-
neral de dicha Ciudad &c. Por quanto en Proceso y
Causa que a instancia del Procurador Fiscal de
dicha Universidad y Estudio General se a seguido
contra Vos el Dr. Domingo Perez y otros sus consortes
sobre ciertas culpas i casos que se han echo contra vos
dicho Dr. Domingo Perez mediante sentencia por Nos
pronunciada en un dia del Mes de Octubre, o en otro
mes verdadero del Anno proximo pasado de 1673.
fuisteis declarado por ellicito detenedor y poseedor de la
Catedra de Artes que en dicha Ciudad y Universi-
dad teneis, i tambien condenado en Privacion
del derecho i accion de leer en dicha Catedra i jun-
tamente inhabilitado para poder pretender qual-
quiere otra Catedra de Artes dentro de dos Annos
primeros siguientes como en dicha sentencia
a la qual Nos referimos [illegible] Por
quanto despues de [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

i Estado General y en nombre de los sucesores en
dicho oficio ausentes o venideros perdona-
mos, i remitimos las otras penas que en dicha
Sentencia se os han impuesto, i en que fuisteis conde-
nado, i a Vos el dicho Br. Domingo Perez os absolve-
mos de ellas i os damos por libre e inmune de qual-
quiera accion, peticion, i demanda, que por razon de
dichas culpas se quisiere poner contra Vos el dicho Bachiller
Domingo Perez, i renunciamos como Fiscal [illegible]
i tambien en nombre de otros Procuradores Fiscales
i de dicha Universidad, que son i por tiempo fueren toda
accion que a Nos como Fiscal Sobredicho y sucesores,
i Procurador, o Procuradores Fiscales sobredichos compe-
te, o puede competer en qualquiera manera en
virtud de dicho Proceso i Sentencia, i Nos imponemos
perpetuo silencio a Nos, Nuestros sucesores en dicho
Oficio i Procuradores Fiscales, para que no podamos ni
puedan por razon de dichas culpas, Proceso y Sentencia
inquietaros ni molestaros en manera alguna, i man-
damos a todos los sujetos a nuestra jurisdiccion de Fiscal
que obedezcan estas nuestras letras i no contravengan
a ellas. Dat. en [illegible] a [illegible] del mes de [illegible]
[illegible] de 1774.

[illegible]
[illegible]

[illegible]
[illegible]

POR

[illegible] DE LA GRACIA [illegible]

[illegible]

[illegible]

[illegible] corrieiro el primer [illegible], en 22 de Sett. del presente año [illegible] la pena en la sentencia impuesta.

3. Y despues en 14 del mesmo [illegible]

[illegible]

4. [illegible]

[illegible] universidad oponiendose en Proceso, han pedido no [illegible] manifestado aquel; y que no obstante lo referido, se execute la sentencia.

6. Pero [illegible] Cedula [illegible] procede [illegible]; i para mostrar con evidencia esta verdad seguire en este Discurso en orden [illegible] la forma siguiente.

§. I.

LA GRACIA DE PERDON DE PENA HECHA en favor del Sor [illegible] comun [illegible].

7. Segun la [illegible] [illegible] del Perdon de la Pena, impuesta en la sentencia [illegible] Sor. [illegible] al Sor. Domingo [illegible].

8 En verdad [illegible] puede el [illegible] no [illegible] remitir las Penas impuestas en las sentencias pronunciadas en [illegible] Tribunales [illegible] [illegible] c. 24. n. 2. [illegible] Codicem. Porque el hacer estas Remissiones [illegible] [illegible] c. 1. §. 5. a n. 1. [illegible] 98 n. 1. Farinac. q. 6. a n. 2. [illegible] a n. 4. [illegible] de legibus c. 45 [illegible] et seq. [illegible]

[illegible]

Vesgobiarni. idemque tenuit [illegible] n annot.

[illegible] lo qual [illegible] mucha [illegible] Alexandro Spe-
rello decis. 116. a n. 78. [illegible] en esta
conformidad: i [illegible] muchas [illegible]
nombra.

11. I [illegible] referida por [illegible]
[illegible] Castell. in commentar. ad [illegible] gener. §. [illegible]
ner. c. 29. n. 17. [illegible] lib. 2. c. 41. n. 11. et lib. 3. c.
[illegible] n. 2. Guazzin. de defens. Reor. defens. 34. c. 3. n. 6. et
[illegible] Castell. de [illegible] c. 15. n. 200
[illegible] in Prax. [illegible]
c. 40. n. 20. quibus addendi sunt [illegible] in Prax. episcop.
p. 2. c. 4. art. 4. n. 4. [illegible] ad De-
cretal. [illegible] n. 2. et [illegible] de [illegible] eccles.
[illegible] c. 23. §. [illegible]

12. La Jurisdicion Ecc.^ca de los [illegible] se equi-
para i esta mui hermanada con la Episcopal: como clara-
mente resulta de [illegible] Escobar y [illegible]
de [illegible] general. c. 34. n. 26. [illegible] n. 2. et c. 6. n.
110. [illegible] de iur. [illegible] lib. 1. n. 470. et
[illegible] alibi quorum doctrina [illegible] addunt
[illegible] lib. 3. c. 224. n. 2. et [illegible]
[illegible] hoc. ann. 1674.

13. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

al otro. De la mesma manera no ai [illegible] [illegible] las [illegible] [illegible] que [illegible] los Jueses de la escuela que son los Vi-

correyes para su Reynos, porque entrambos [illegible] [illegible] un Tribunal [illegible] [illegible] que [illegible] pueden por esa [illegible] [illegible] las [illegible] [illegible] Sentencias [illegible]: *Qui dixe Judicem [illegible] [illegible] [illegible] [illegible] unum Tribunal [illegible] [illegible] [illegible] [illegible] [illegible] adeo que a Judi-ce ad illum appellari nequit [illegible] [illegible] in omnibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].*

14. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] *[illegible] lib. [illegible] q. 38. n. 3.* [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. *In his enim [illegible] [illegible] [illegible] adeundus est, non autem [illegible] [illegible] [illegible] [illegible] de penis et crimin. n. 6.*

15. Y assi [illegible] en las Escuelas que [illegible], y [illegible] [illegible] se ha de acudir no al [illegible] [illegible] que [illegible] tiene Jurisdiccion que haze Justicia; i pronunciando [illegible] tenera *[illegible] et [illegible]*, [illegible] [illegible] mesmo [illegible] que es el [illegible] que governa [illegible] que tiene facultad de hazer gracias.

16. [illegible] en el caso presente el [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] el [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] al P. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

§. [illegible]

[illegible]

gitima como es cuestion cosa clara del [illegible].

18. Pues el Santissimo Padre Alexandro 3. in Cap. ex parte clerici 8. de adulterijs vero de [illegible]. mando al Obispo, que mismo se ha de dar [illegible] evidentem [illegible]. Paul no de [illegible] los Duci [illegible] por Sacramento) en delitos en [illegible] menores [illegible] no [illegible] de el [illegible] delinquente sin dispensacion de la Iglesia [illegible] ex [illegible] generis pena paenitentie [illegible].

19. Como lo [illegible] en [illegible] quest. regul. tom. 1. q. 24. art. 17. [illegible] Non desunt [illegible] p. m. 179. [illegible]: Non contrariam sententiam scilicet quod [illegible] possit dispensare per [illegible] [illegible] quem [illegible] [illegible] Decij, Aciany, et [illegible] et [illegible] observandum esse contra Beltran et Armand [illegible]. Ideo quod etiam contradicente [illegible] episcopus potest dispensare, siquidem ex [illegible] Episcopo dispensationem [illegible] concedit et comittit. Et ita communiter [illegible] Decretum Alexandri III. [illegible] allegatum, ut constat ex [illegible] cum Abbate Siculo, Decio, Aciano et [illegible].

20. Y que añadio [illegible]. [illegible] las siguientes. [illegible]

[illegible]

22. [illegible] queda [illegible] a esto habla [illegible] en [illegible] el dicho Texto n. 06. [illegible] meliu, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omnes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

23. [illegible] [illegible] [illegible] es [illegible] . [illegible] [illegible] que el [illegible] [illegible] [illegible] en su [illegible] para [illegible] una Cathedra de [illegible].

24. Porque de [illegible] [illegible] [illegible] [illegible] la Cathedra de Philosophia [illegible] su [illegible] es cosa Temporal i la puede poseer un Secular como [illegible] [illegible] de [illegible] [illegible], que siguen [illegible] de [illegible] [illegible] lib. 2. [illegible] 35. n. 74. et Bonacina de Simon. disp. [illegible] q. 4. [illegible] n. 3.

25. I con esto debe tener [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] i [illegible] [illegible] Antonio [illegible] in [illegible] [illegible] [illegible] praelud. [illegible] 13. n. 57. con estas Palabras: [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dicit quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] autem [illegible] [illegible] [illegible], para [illegible] [illegible] [illegible].

26. [illegible] [illegible] [illegible] debe [illegible]

[illegible]

[illegible] ... [illegible] [illegible]

[illegible] dec. [illegible] q. [illegible] n. 33. seq. [illegible] [illegible]

[illegible] [illegible] n. 1.

29. [illegible] [illegible] [illegible] [illegible] contra [illegible] derecho natural i divino [illegible] [illegible] Bonacina de [illegible] [illegible] q. [illegible] [illegible] adulterium [illegible] [illegible] [illegible] [illegible] [illegible] scilicet [illegible] [illegible] [illegible] [illegible] [illegible]

30. [illegible] [illegible] el [illegible] [illegible], que [illegible] [illegible] [illegible] son [illegible] [illegible] [illegible], [illegible] le prohibió por [illegible] [illegible] como lo [illegible] la mas [illegible] la [illegible] [illegible] [illegible] Rodericus [illegible] tom. 3. [illegible] n. [illegible] [illegible]. No solamente contra algunos [illegible] y [illegible] [illegible] en el [illegible]; sino tambien contra [illegible]; refiriendo [illegible] [illegible] in [illegible]. ad Decret. § 3. n. 1. [illegible] [illegible] [illegible] como [illegible] de [illegible]

31. [illegible] las [illegible] en [illegible] [illegible] de la [illegible] de leyes [illegible] prohibidas por dichos [illegible]; jamas pueden llegar a tener su [illegible] [illegible] [illegible] el Adulterio [illegible] con ello segun la [illegible] de Alexandro III. [illegible] [illegible] personas a [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

32 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] el [illegible] de la pena [illegible] [illegible] Paulus Squillanses de Obligat. et Privileg. [illegible] part. 1. c. 8. a n. 17. et n. 26.

34. Maxime [illegible] [illegible], [illegible] el delicto [illegible] de la firma [illegible] [illegible] [illegible] [illegible] que [illegible] dicho Santissimo Padre Alexandro III. en dicho [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] part. 3. n. 40. et part. 7. n. 30.

35. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de dicho [illegible] [illegible] [illegible] [illegible] [illegible] a [illegible] manera alguna: [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] part. 8. [illegible] 230. [illegible] [illegible] Dominicum, [illegible] [illegible] [illegible] [illegible] [illegible] que se ha [illegible] a [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] que [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] que no deben [illegible] [illegible] [illegible] [illegible] [illegible] 425. [illegible] 8 [illegible] part. [illegible] [illegible] [illegible] [illegible] por no [illegible] [illegible] [illegible] [illegible] Partes en Proceso, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] el [illegible] [illegible] que [illegible] [illegible] [illegible] [illegible] de Comiss. part. 2. [illegible] [illegible] de Comiss. [illegible] [illegible] [illegible] [illegible] n. [illegible] p. 255 diciendo: At [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]